

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)	
INFORMATION FILED WITH GTE SOUTH)	
INCORPORATED'S PROPOSED REMOTE VIDEO)	CASE NO. 93-338
ACCESS SERVICE AGREEMENT WITH THE)	
NATURAL RESOURCES AND ENVIRONMENTAL)	
PROTECTION CABINET OF THE COMMONWEALTH)	
OF KENTUCKY)	

O R D E R

This matter arising upon petition of GTE South Incorporated ("GTE") filed September 13, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the rates and cost support for the proposed contract with the Kentucky Natural Resources and Environmental Protection Cabinet for remote video access service on the grounds that disclosure of this information is likely to cause GTE competitive injury, and it appearing to this Commission as follows:

GTE has entered into an agreement with the Kentucky Natural Resources and Environmental Protection Cabinet to provide remote video access service. The agreement is subject to Commission approval. In support of its application for approval, GTE has filed pricing and cost information which it seeks to protect as confidential on the grounds that disclosure of the information is likely to cause GTE competitive injury.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted

by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Although GTE alleges that competitors could use the information sought to be protected to determine how it prices its remote video access service, the petition does not identify GTE's competitors for this service nor does it demonstrate how the information could be used to GTE's detriment. Therefore, the petition does not demonstrate how disclosure of the information is likely to cause GTE competitive injury and confidential protection cannot be granted.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The pricing and cost support information filed in connection with the proposed agreement between GTE and the Kentucky Natural Resources and Environmental Cabinet, which GTE has

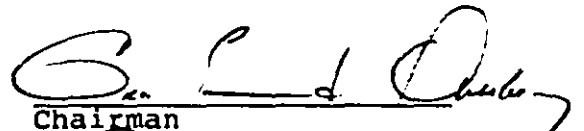
petitioned to be withheld from public disclosure be and is hereby denied.

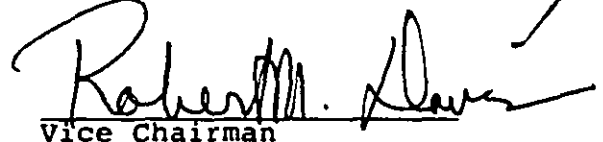
2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order to allow GTE to file an amended petition in accordance with the procedure set forth in 807 KAR 5:001, Section 7.

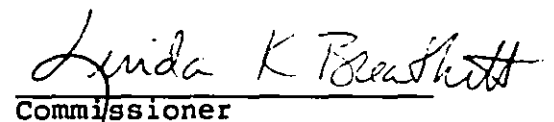
3. If at the expiration of the 20-day period an amended petition has not been filed, the information shall be placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky, this 5th day of October, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director